

## **REMARKS**

Upon entry of this amendment, claims 1 and 3-20 are all the claims pending in the application. Claim 2 has been canceled by this amendment, and claims 19 and 20 have been added as new claims. No new matter has been added.

### **I. Objection to the Claims**

Claims 1 and 18 have been objected to for the reasons set forth on page 2 of the Office Action. In particular, the Examiner has indicated that the phrases “first recording area” and “second recording area” are unclear. By this amendment, Applicants note that the phrases “first recording area” and “second recording area” in claims 1 and 18 have been replaced with the phrases --first recording medium-- and --second recording medium--, respectively. Accordingly, Applicants respectfully request that the above-noted objection to the claims be reconsidered and withdrawn.

### **II. Claim Rejections under 35 U.S.C. § 102**

A. Claim 1 has been rejected under 35 U.S.C. § 102(b) as being anticipated by Yap et al. (US 6,711,486).

Claim 1, as amended, recites the features of a management data recording unit operable, when said information recording unit records the first information and the second information, to generate the management data indicating that the first information is valid and the second information is invalid; an invalidation unit operable to invalidate the valid first information by making said management data recording unit update the management data to indicate that the first information is invalid, in the case where said receiving unit receives the recording

instruction; and a validation unit operable to validate the invalid second information by making said management data recording unit update the management data to indicate that the second information is valid, in the case where said receiving unit receives the recording instruction.

Applicants respectfully submit that Yap does not disclose or suggest the above-noted combination of features recited in amended claim 1.

Regarding Yap, Applicants note that this reference discloses a system for distributing media content. In particular, Yap discloses a system in which a customer is able to insert a smartcard 100 into a vending machine 112 in order to produce a customized output medium such as a CD 118, where the CD contains only those media selections which the customer has selected (see col. 3, lines 29-33). In this regard, as explained in Yap, the customer is able to obtain a customizable CD 118 by selecting icons corresponding to the desired media content, which results in the desired media content being recorded onto the CD 118 (see col. 3, lines 45-60).

Based on the foregoing description, Applicants note that while Yap discloses a system in which a user is able to select desired media content to be recorded, wherein the selected media content is then recorded onto a CD, that Yap does not disclose or suggest the above-noted combination of features recited in amended claim 1 of a management data recording unit operable, when said information recording unit records the first information and the second information, to generate the management data indicating that the first information is valid and the second information is invalid; an invalidation unit operable to invalidate the valid first information by making said management data recording unit update the management data to indicate that the first information is invalid, in the case where said receiving unit receives the recording instruction; and a validation unit operable to validate the invalid second information by making said management data recording unit update the management data to indicate that the

second information is valid, in the case where said receiving unit receives the recording instruction.

In view of the foregoing, Applicants respectfully submit that Yap does not disclose, suggest or otherwise render obvious the above-noted features recited in claim 1. Accordingly, Applicants respectfully submit that claim 1 is patentable over Yap, an indication of which is kindly requested.

B. Claims 1-4, 8, 11 and 18 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Montoya et al. (US 5,949,688).

As noted above, claim 1 has been amended to recite the features of a management data recording unit operable, when said information recording unit records the first information and the second information, to generate the management data indicating that the first information is valid and the second information is invalid; an invalidation unit operable to invalidate the valid first information by making said management data recording unit update the management data to indicate that the first information is invalid, in the case where said receiving unit receives the recording instruction; and a validation unit operable to validate the invalid second information by making said management data recording unit update the management data to indicate that the second information is valid, in the case where said receiving unit receives the recording instruction.

Applicants respectfully submit that Montoya does not disclose or suggest the above-noted features recited in amended claim 1.

Regarding Montoya, Applicants note that this reference discloses a CD vending system which enables a customer to place an order for desired media content, and to have the desired

media content recorded to a CD (see col. 1, line 66 through col. 2, line 4). In this regard, as disclosed in Montoya, when the customer makes a selection of desired media content, upon verification of payment, the media content is copied from a storage unit 220 onto a CD 230 (see Fig. 2 and col. 3, lines 22-25).

In the Office Action, Applicants note that the Examiner has taken the position that the above-noted disclosure in Montoya directed to the verification of payment corresponds to management data for indicating validation/invalidation of the first information and the second information (see the last three lines on page 4 of the Office Action). Applicants respectfully disagree with this position taken by the Examiner.

In particular, Applicants note that in Montoya, the verification of payment is merely a step that is performed prior to recording the customer's selected media content to a CD, whereby the selected media content will only be recorded to the CD if payment has been verified.

As such, Applicants respectfully submit that while Montoya discloses that the selected media content will only be recorded to the CD upon verification of payment, that such disclosure does not correspond to the above-noted features recited in amended claim 1 of a management data recording unit operable, when said information recording unit records the first information and the second information, to generate the management data indicating that the first information is valid and the second information is invalid; an invalidation unit operable to invalidate the valid first information by making said management data recording unit update the management data to indicate that the first information is invalid, in the case where said receiving unit receives the recording instruction; and a validation unit operable to validate the invalid second information by making said management data recording unit update the management data to indicate that the second information is valid, in the case where said receiving unit receives the recording

instruction.

In view of the foregoing, Applicants respectfully submit that Montoya does not disclose, suggest or otherwise render obvious the above-noted features recited in claim 1. Accordingly, Applicants respectfully submit that claim 1 is patentable over Montoya, an indication of which is kindly requested.

If the Examiner again rejects claim 1 based on Montoya, in order for Applicants to be able to make an informed decision with regard to appeal, Applicants kindly request that the Examiner identify the information in Montoya which corresponds to the claimed “first information”, “second information” and “management data”, and to provide an explanation as to how the verification of payment disclosed in Montoya corresponds to the above-noted features recited in claim 1 directed to the validation/invalidation of the first information and the second information.

Regarding claims 3, 4, 8 and 11, as well as new claim 19, Applicants note that these claims depend from claim 1 and are therefore considered patentable at least by virtue of their dependency.

Regarding claim 18, Applicants note that this claim has been amended in a similar manner as claim 1 so as to recite the features of a management data recording step of generating the management data indicating that the first information is valid and the second information is invalid, and recording the management data in a management data recording medium, when the first information and the second information are recorded in said information recording step; an invalidation step of invalidating the valid first information by updating the management data to indicate that the first information is invalid, in the case where the recording instruction is received in said receiving step; and a validation step of validating the invalid second information

by updating the management data to indicate that the second information is invalid, in the case where the instruction is received in said receiving step.

For at least similar reasons as set forth above in connection with claim 1, Applicants respectfully submit that Montoya does not disclose, suggest or otherwise render obvious the above-noted features recited in claim 18. Accordingly, Applicants submit that claim 18 is patentable over Montoya, an indication of which is kindly requested.

### **III. Claim Rejections under 35 U.S.C. § 103(a)**

Claims 5-7, 9 and 10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Montoya et al. (US 5,949,688) in view of Nitta (US 5,381,275).

Claims 5-7, 9 and 10 depend from claim 1. Applicants submit that Nitta (US 5,381,275) fails to cure the deficiencies of Montoya et al. (US 5,949,688), as discussed above, with respect to claim 1. Accordingly, Applicants submit that claims 5-7, 9 and 10 are patentable at least by virtue of their dependency.

### **IV. Allowable Subject Matter**

Applicants thank the Examiner for indicating that claims 12-17 contain allowable subject matter and would be allowable if rewritten in independent form.

By this amendment, Applicants note that claims 12 and 15 have been rewritten in independent form so as to include all of the features of base claim 1. Accordingly, Applicants submit that claims 12 and 15 are in condition for allowance, an indication of which is kindly requested.

Regarding claims 13, 14, 16 and 17, Applicants note that claims 13 and 14 depend from claim 12, and that claims 16 and 17 depend from claim 15. Accordingly, Applicants submit that claims 13, 14, 16 and 17 are patentable at least by virtue of their dependency.

## **V. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Toshiyuki FUKUSHIMA et al.

/Kenneth W. Fields/

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Kenneth W. Fields

Registration No. 52,430

Attorney for Applicants

KWF/krq  
Washington, D.C. 20005-1503  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
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